

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

Dr. Ronald A. Nurse, PhD

Plaintiff,

v.

**A Better Choice Case Management,
LLC; Tammy Spencer; Nicholas
Spencer, and Tina Timmons**

Defendants.

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C.A. No. 9:21-cv-00455-MBS-MHC

DEFENDANTS' MOTION FOR LEAVE TO FILE SUR-REPLY

Defendants respectfully request leave to file a sur-reply to Plaintiff's Reply [ECF No. 30] to Defendants' Supplemental Objections [ECF No. 29] to the Magistrate Judge's Report and Recommendation ("Report") on Defendants' Motion to Dismiss and Motion for Sanctions. [ECF Nos. 24, 5, and 15 respectively]. Plaintiff seeks to file this sur-reply for the limited purpose of addressing the unhinged and inflammatory allegation in Plaintiff's Reply made against Defendants and presumably, undersigned counsel. In his Reply, Plaintiff alleges that Defendants submitted "phony emails to the court to bribe, influence, and equivocally [sic] bias the courts against the plaintiff." [ECF No. 30 at p. 2]. Plaintiff is likely referencing Plaintiff's April 20, 2021 emails that were submitted to the Court as an exhibit to Defendants' Objections to the Magistrate's Report. [ECF No. 27-1].

Defendants hereby request the Court's permission to file a sur-reply to Plaintiff's Reply. *See, e.g., Perez v. S.C. Dep't of Labor, Licensing & Regulation*, No. CV 3:17-3187-JFA, 2018 WL 2455093, at *4 (D.S.C. June 1, 2018) ("[I]f a party asks the court for permission, the court may

allow a party to file an additional response or “surreply.”); *Mitchell v. Conseco Life Ins. Co.*, No. CA 8:12-548-TMC, 2013 WL 2407129, at *3 (D.S.C. June 3, 2013) (“With the court’s permission, Conseco also filed a sur-reply opposing the motion to certify class.”).

Defendants seek a fair opportunity to respond Plaintiff’s allegations and request that the Court accept a brief Surreply for that purpose. The proposed sur-reply is being attached to this motion. **(Ex. 1, Proposed Sur-Reply)**. Undersigned counsel has not conferred with Plaintiff prior to filing this request due to futility.

Dated July 2, 2021

Respectfully submitted,

/s/ David D. Ashley
David D. Ashley
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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I, the undersigned employee of Le Clercq Law Firm, do hereby certify that on **July 2, 2021**, I served a copy/copies of the foregoing **Defendants' Motion for Leave to File Sur-Reply and Proposed Sur-Reply** which was filed using the Court's CM/ECF system, addressed to:

Dr. Ronald A. Nurse, Ph.D
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North Augusta, SC 29860
rnurse@capellauniversity.edu
PLAINTIFF, PRO SE

/s/ David D. Ashley
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